



# South Dakota



## Special Education Advisory Panel (SEAP)



October 20, 2020  
Pierre, SD

# Norman Ames

**Director** - Center for Technical Assistance for Excellence  
in Special Education (TAESE)

- **Technical Assistance Provider**
- **School District Administrator**
- **Building Administrator**
- **School Psychologist**
- **Parent of a SWD**



# Major Centers and Projects



Technical Assistance for Excellence in Special Education  
With the Technical Assistance Division of the Center for Persons with Disabilities



Center for IDEA Fiscal Reporting  
WestEd - Prime  
TAESE - Partner



- > SEA Monitoring
- > Low Incidence Disabilities
- > Mental Health



Conference Planning and Implementation Center

## Center on Educational Recruitment and Retention



Arizona Center for Professions in Education (ACPE)



North Dakota Employment Bulletin Board



*Orientation and Support for State Directors*

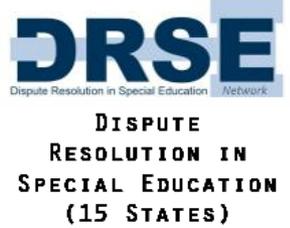


- SPP/APR
- Fiscal Issues
- IDEA Data

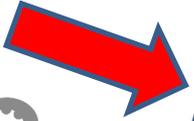
## Interpreter Mentoring Education and Training (IMET)

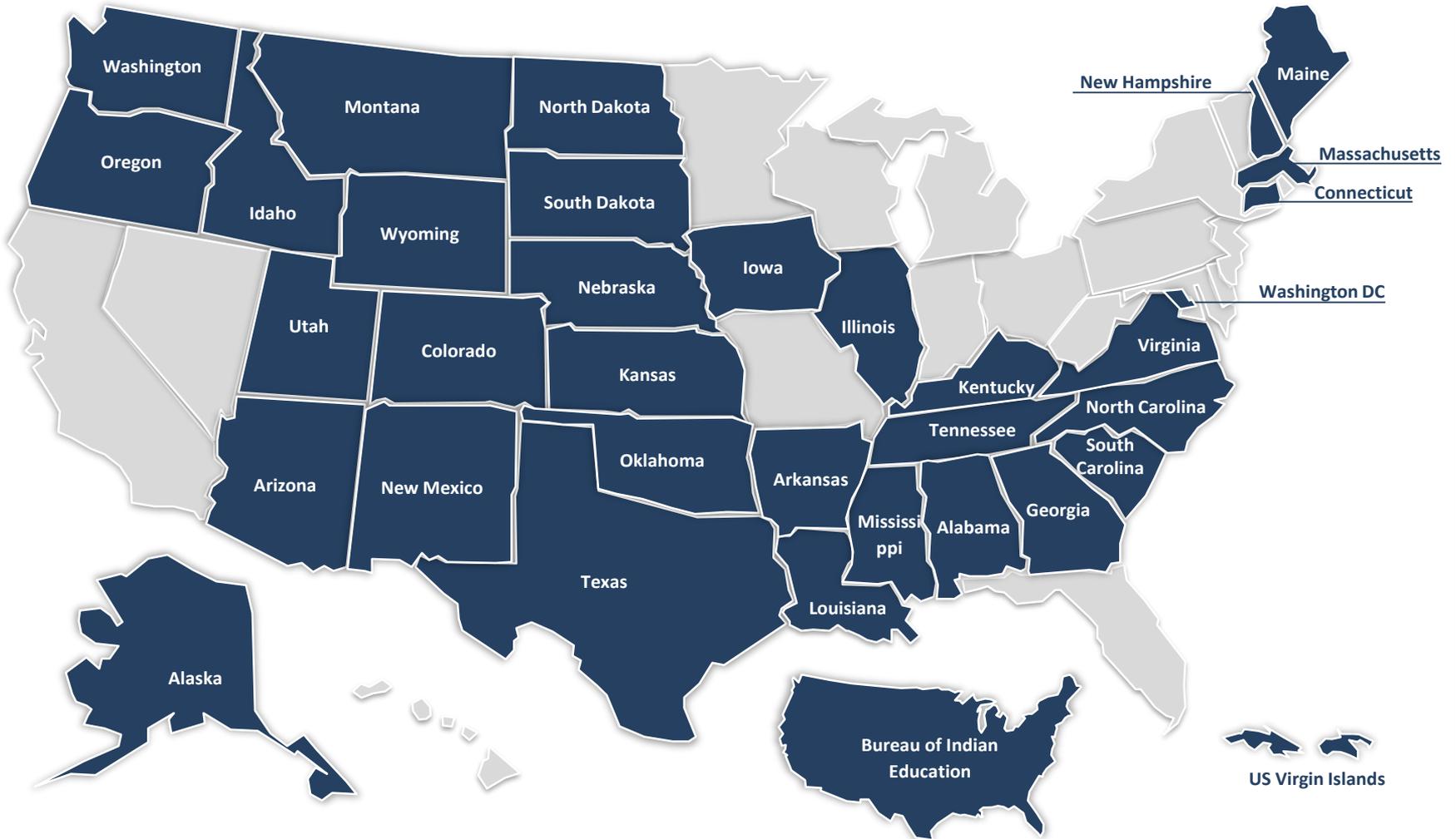


Utah Northstar Mentorship Project



DISPUTE RESOLUTION IN SPECIAL EDUCATION (15 STATES)







# Disclaimer

- TAESE does not provide legal advice
- All slides and the Primer are the intellectual property of TAESE



**DISCLAIMER**



# Welcome

Thank you for all  
you do for children  
with disabilities.





- Introductions
- Review of Agenda and Materials



# Purpose

Provide a general orientation for Special Education Advisory Council members regarding their roles and functions based on IDEA Part B including membership, functions, by-laws, and meeting procedures.



Getting everyone on the same page

## Requirements and Best Practice



# Varying Terminology



**Panel**

**Board**

**Committee**

**Council**



# SD SEAP By-Laws

SD's By-laws

## Special Education Advisory Panel

**By-Laws**

*Revised*

*January 2020*





# Congratulations

The State Special Education Advisory Panel has a great deal of influence for improving results for children and youth with disabilities.



**Take your role seriously and try to attend all meetings. Your voice is important.**

“Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it’s the only thing that ever has.”

Margaret Mead

Promoting  
Positive Change





# Panel Efforts - 40+ years

Advisory Panels have been in existence since 1975 and have contributed to progress and improvement in special education and services for children with disabilities.





# Key Role of the Advisory Panel

**“Never before has there been such an emphasis and support for State Advisory Councils promoting the potential role that they can play in improving programs and services for children and youth with disabilities”**

**OSEP**



# Representation

You are representing your entire stakeholder group and all children and youth with disabilities in the state.





# Panel Goal

***Keep the  
Main Thing  
the Main  
Thing:***

**Children and Youth  
with Disabilities**





# The Orientation

Our plan for today:

- **Why** you are here
- **What** you should do
- **How** you can do it





# Section I

# Why You Are Here



# Part One

WHY  
ARE  
WE  
HERE?



## Purpose of the Panel



# State Advisory Panel

(CFR 300-167)

The purpose for the Panel is providing policy guidance for special education and related services for children with disabilities in the State.





# IDEA Regulations Relating to the Advisory Panel

## IDEA 2004 Sec. 612 – State Eligibility and Section 1412(a)(21)

Establishment	CFR 300.167
Membership	CFR 300.168
Duties/Functions	CFR 300.169
Due Process	CFR 300.513/514
Waiver	CFR 300.164 (c)(4)
Disproportionality	CFR 300.647



# Differences

Each State approaches the Advisory Panel differently. There is no right or wrong way, except the importance of adhering to federal and State regulations relating to Council purpose, membership, and functions.



TMAA

Tell me about

acronyms



# Know Your Acronyms

**SEA** = State Education Agency

**LA** = Lead Agency

**LEA** = Local Education Agency

**OSEP** = Office of Special Education Programs

**OCR** = Office for Civil Rights





# Know Your Acronyms

**ESEA** = Elementary and Secondary Education Act

**ESSA** = Every Student Succeeds Act

**IDEA** = Individuals with Disabilities Education Act

**Part B** = Special Education—School-Aged Children

**Section 619** = Special Education—3–5 Years

**Part C** = Special Education—Birth–Two Years





# Know Your Acronyms

**Section 618** = Data Requirements in IDEA

**SPP** = State Performance Plan

**APR** = Annual Performance Report

**SSIP** = State Systemic Improvement Plan

**SiMR** = State-identified Measurable Result





# Know Your Acronyms

**SEAP/SAP** = State Special Education  
Advisory Panel under Part B

**ICC** = Interagency Coordinating Council  
Under Part C





# Present Respectful Terminology

- ✓ People First Language
- ✓ Access
- ✓ Equity
- ✓ Inclusion
- ✓ Disabilities
- ✓ Developmental Delay

**Language Matters!**





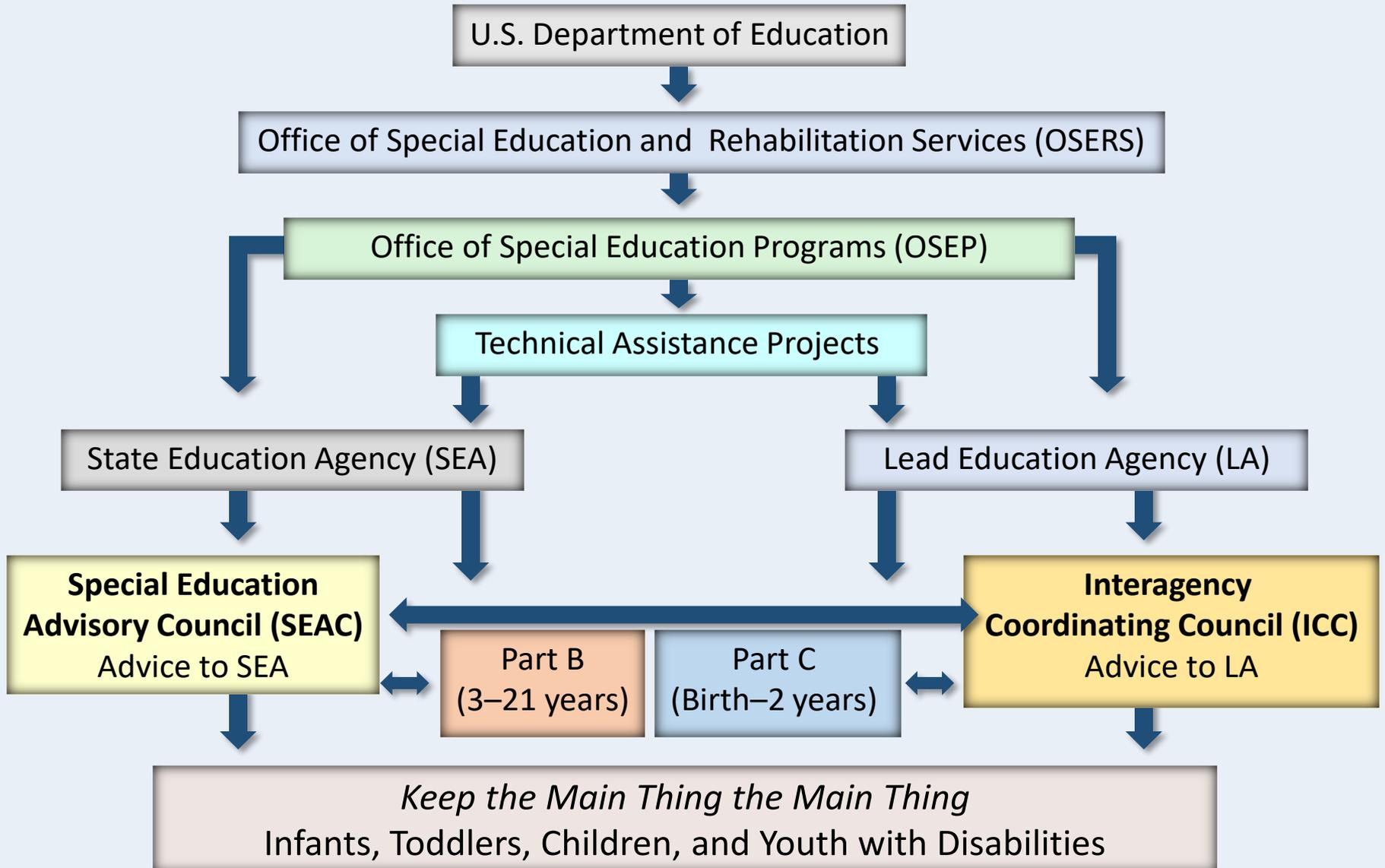
# General Education First

## Remember...

1. All students are general education students first.
2. Special education is not a place or program. It is support and services for those who are eligible.



# The Big Picture





# Part Two

## A Brief History of Special Education

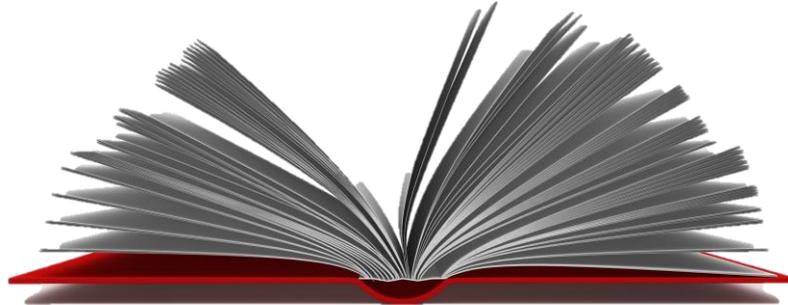




# History is Important

- Exclusion
- Institutionalism
- Parents' Movement
- NCLB
- Civil Rights –  
504/ADA

- Inclusion
- Mainstreaming
- Student Rights
- ESSA
- MTSS/RTI



# The Legislative History of Special Education

Pending Reauthorization

**IDEA Amendments of 2004**

P.L. = Public Law  
108 = Congress Number  
446 = Number of Laws passed  
during this session

Part C

Part H

Section 504

ESEA = ESSA (2016)

Public Law 108-446 (IDEA 2004)

NCLBA—2001 (ESEA)

Public Law 105-117—1997 (IDEA)

Public Law 102-119—1992 (IDEA)

Public Law 101-176—1990 (IDEA)

Public Law 99-457—1986 (EHA)

Public Law 98-199—1983 (EHA)

Public Law 94-142 —1975 (EAHCA)

Public Law 93-380—1974 (EHA)

Public Law 91-230—1970 (EHA)

Public Law 90-247—1968

Public Law 89-750—1966 (ESEA)

Public Law 89-313 — 1965

Public Law 89-10 — 1965 (ESEA)

**RESULTS**

**ACCOUNTABILITY**

**FAPE = IEP in LRE**

**PROCEDURAL SAFEGUARDS**

**PHYSICAL ACCESS**



# IDEA 2004 Reauthorization

## IDEA (2004)

**(16 years and waiting)**





# Section II

# What You Should Do



# Part Three

(CFR 300.168)

## Membership and Organization of the Panel





# Membership of Panel

The membership of the State Advisory Panel must consist of members appointed by the Governor or any other official authorized under State law to make these appointments.

CFR 300.168(b)



# Council Membership Demographics

Members are representative of the State population demographics and composed of individuals involved in, or concerned with, the education of children and youth with disabilities.

Cultures

Rural/Urban

Gender





# Special Rule – 51%

51%

The **majority** of the members of the Panel must be individuals with disabilities and parents of children with disabilities.

CFR 300.168(b)



# IDEA Membership of Panel

- Parents of children with disabilities ages ***birth through 26***
- Individuals with disabilities
- Teachers
- Representatives of institutions of higher education
- State and local education officials
- Administrators of programs for children with disabilities
- State representatives from ***Child Welfare responsible for foster care***

\* *State regulations can go above federal requirements.*

- Representatives of other State agencies
- Representatives of private schools and public charter schools
- At least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities
- Representatives from the State juvenile and adult corrections agencies
- ***State and local officials that represent homeless children***

CFR 300.168 (c)(1-11)



# Section 504

Parents of a  
child served  
under Section  
504

(See OSEP Letter)





# Member Tenure

## Addressed in the Panel by-laws

- Membership Requirements
- Appointments
- Resignations
- Tenure





# Tenure

Most States have a tenure of three years and a maximum of two terms. It is important for a Panel to turn over and involve new individuals.

**Some State agency categories are difficult to fill.**

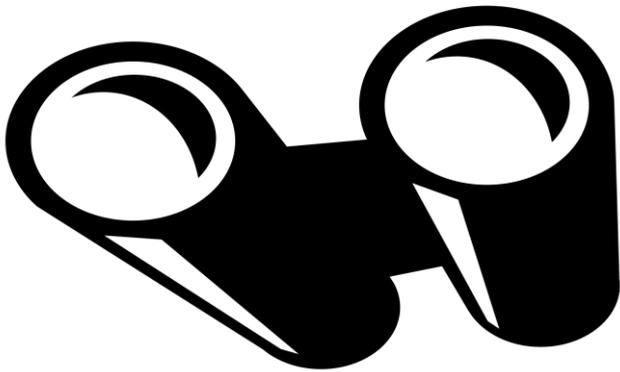




# State Panel Membership

## State By-laws

What Do Your By-Laws Say?



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# Important Priorities for Panel Members

- Read the by-laws
- Attend the meetings
- Do your homework prior to the Panel meeting
- Represent your stakeholder group
- Participate
- Work as a team
- Support each other
- Make a difference





# Training and Orientation

It is important to provide training and orientation to all new members annually. Some Panels provide training to all members each year.





# Suggested Council Resources

## Important

- Panel By-laws
- Open Meeting Requirements
- State Organizational Chart
- Panel Annual Report
- SEA Information/Staff
- Acronyms
- Meeting Schedule
- Reimbursement Info

## As Needed

- SAP Website
- Federal Regulations
- State Regulations
- Access to SPP/APR/SSIP
- Level of Determination Letter
- History of Special Education
- General Supervision Information



# Executive Committee

Chairperson

Vice Chairperson

Secretary



State Director provides support to the executive Committee.



## State By-laws

What do they  
say?





# Suggested Roles: Chairperson

- Preside at all meetings
- Call all meetings
- Be an ex-officio member of all other committees
- Perform other duties pertaining to the office

# Standing Committees

## State By-laws

Some states have “standing committees.” Other committees may be formed at the discretion of the Panel Chair.



Membership



Operating Procedures



Public Comment



Dispute Resolution



Family Engagement



# Part Four



## Representing Your Stakeholder Group



# Representation

Significant contribution:  
**representing your stakeholder group.**



Consider:  
methods to facilitate ongoing communication between Panel members and their stakeholder group.



# Challenge

**There might be times when  
your opinion is different than the  
stakeholder group  
you are representing.**

**Your voice should be their voice.**



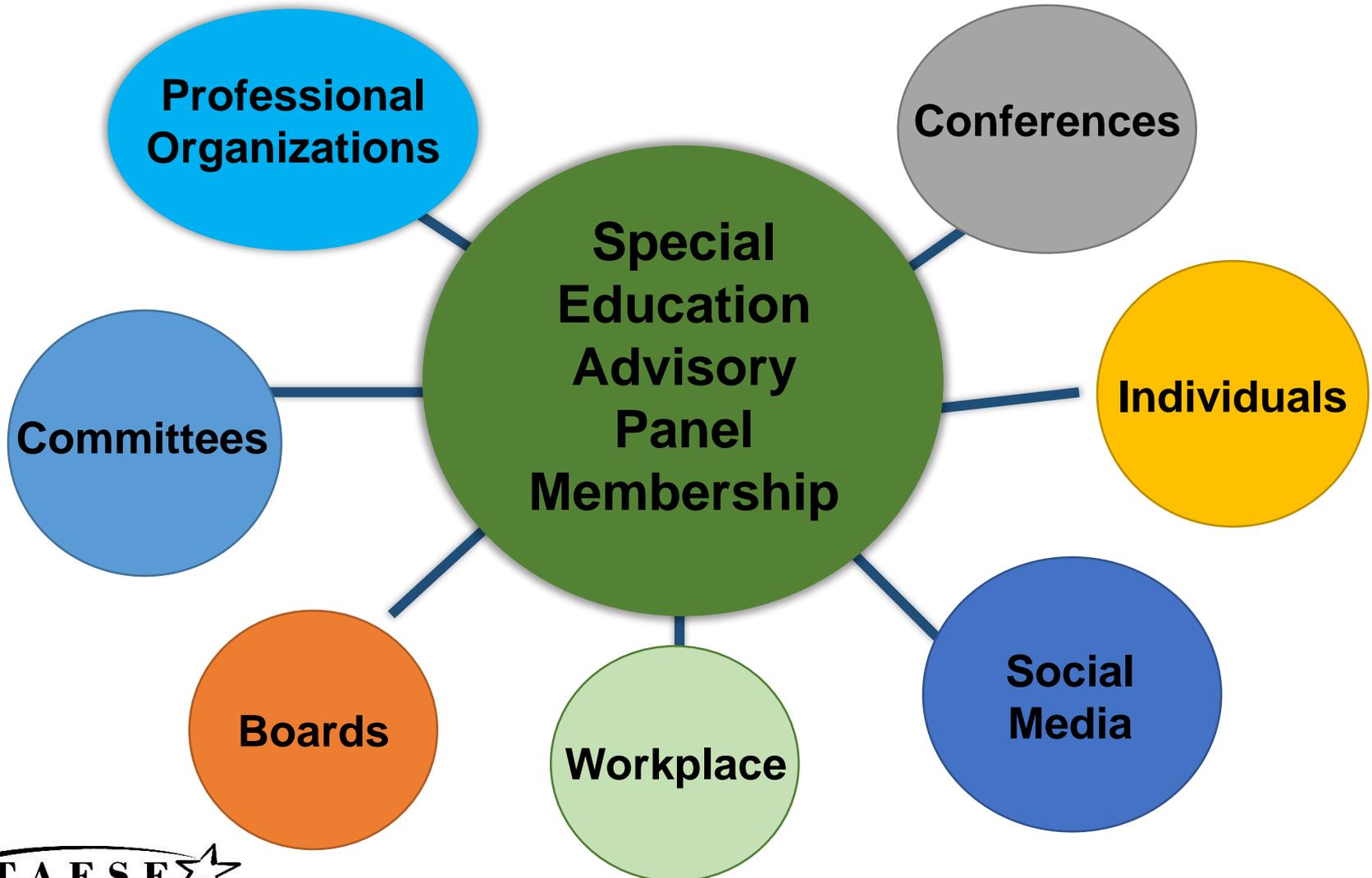
# Representation

**How do you represent your stakeholder group?**





# Reaching Out for Stakeholder Input





# Part Five

## Role of Panel:

Advocacy vs.  
Advisory

**Providing Advice  
that Results in  
Improvement**



CFR 300.167



# Meaningful Work

The Panel should be actively involved in meaningful work and providing advice to the SEA.

**A Working Panel**





# Advisory Panel

Serves as ***advisory*** to the State Office of Education, Special Education Unit, and/or directly to the State Superintendent or State Board of Education.



Check your State regulations.

“An advisory group regularly gives suggestions and advice to organizations, especially about a particular subject or area of activity.”



# Define and Clarify

**Advisory**

≠

**Advocacy**



# Advocacy

- To take sides
- To support something
- To plead your case/position
- To favor a position
- To argue



**Not a Panel Role!**



# Advocacy

There is a place for advocacy  
at Panel meetings.



# Advocacy

There are groups in the State whose purpose is advocacy.

1. Protection and Advocacy
2. Disability Organizations
3. Professional Organizations





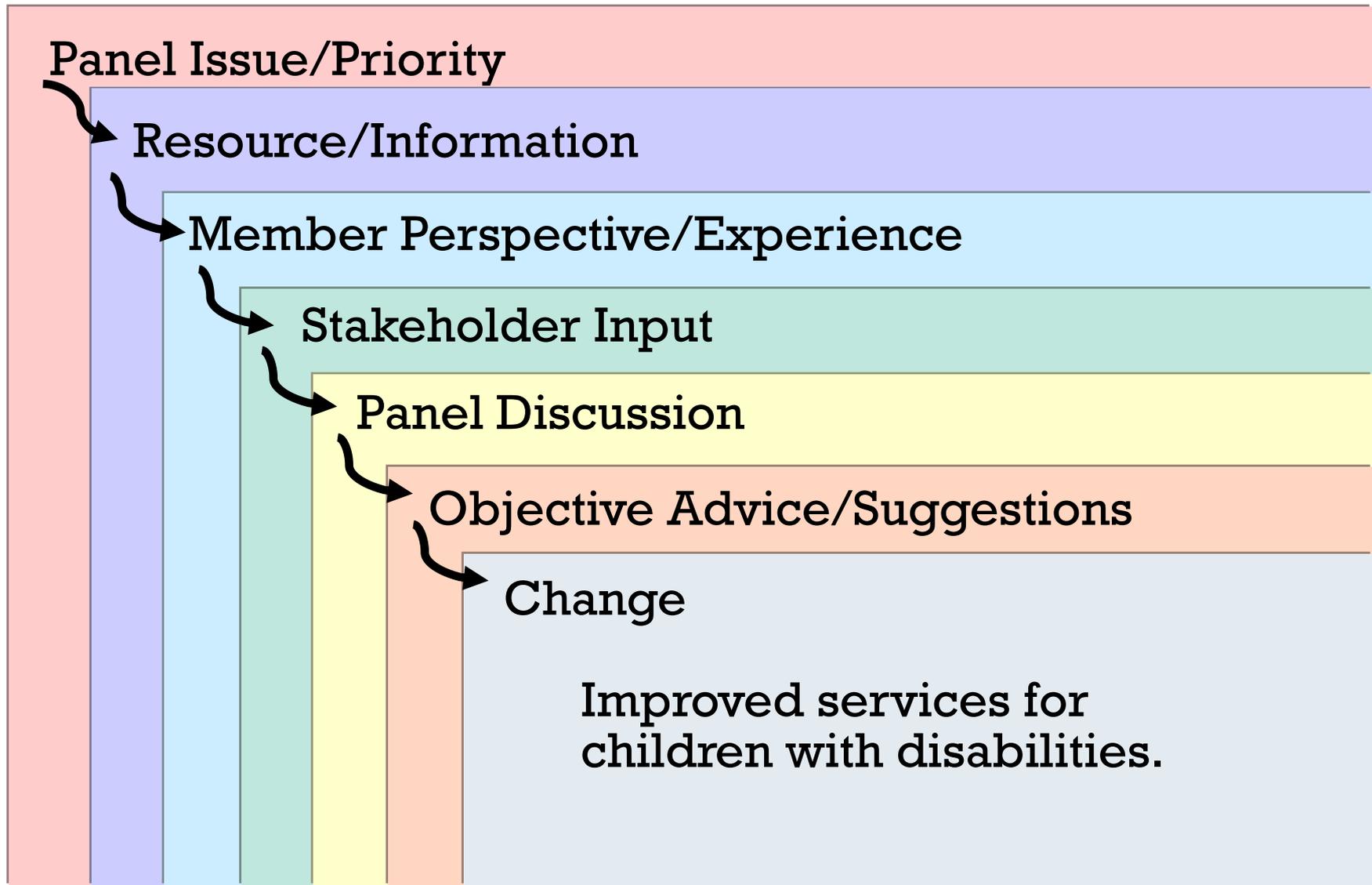
# Advisory

- To give advice
- To inform
- To counsel
- To recommend
- To suggest
- To guide



## A Panel Role!

# Exercising Advisory Responsibilities

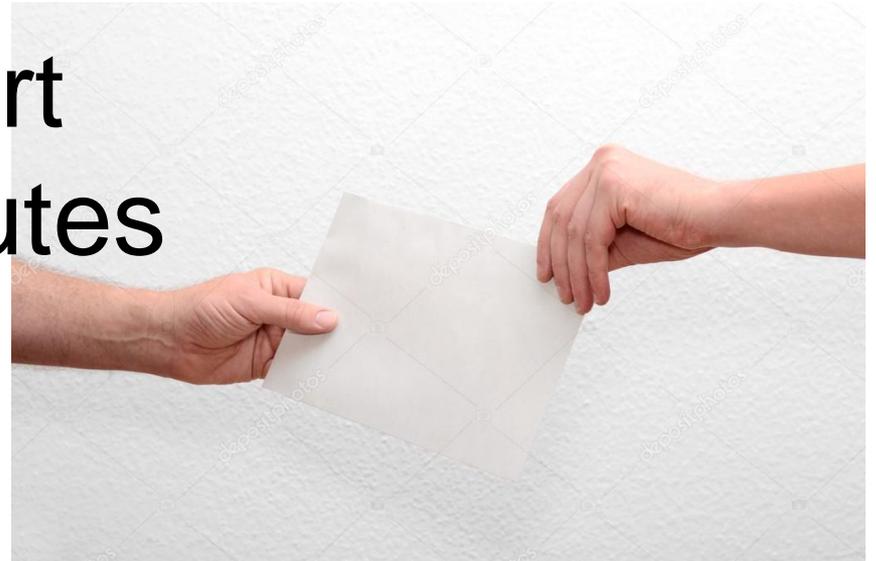




# Providing Advice

## Methods to Provide Advice:

- Position Papers
- Memos
- Annual Report
- Meeting Minutes





# Providing Advice One Pager

Provide a one page summary of advice and recommendations made during Panel meetings.

Later, you can use it in the Annual Report





# State Director

## Best Practice:

Notify and receive approval from the Director before taking advice to another person and/or agency.

**Key Person → State Director**





# Part Six

## Role of the State Director





# State Director

## Provide support to the State Director

*The job of the State Special Education Director is one of the most difficult and challenging positions in education.*

General  
Supervision

IDEA  
Regulations

SPP/APR/SSIP

Dispute  
Resolution

Needs of  
LEAs

Legislative  
Duties



# Role of the State Director to the Panel

- Serve as an ad hoc member (non voting)
- Support the Panel in carrying out their functions
  - Assist with agenda development
- Provide relevant and current information to the Panel
  - Topical Issues
  - State-of-the-state
  - Levels of determination
- Provide feedback regarding Panel advice and suggestions



# Part Seven

CFR 300.169

## Understanding the Advisory Panel Functions Under IDEA





# Functions *(CFR 300.169)*

Have a working understanding of the eight functions under IDEA. All Panel activities should relate to one or more of the functions.





# Advisory Panel Function

1

Advise the SEA of **unmet needs** within the State in the education of children with disabilities.

*CFR 300.169(a)*

## Examples:

- a) Training educators on working with children with autism
- b) Students not being adequately served in juvenile and adult correctional facilities



# Advisory Panel Function

**2**

**Comment publicly** on any rules or regulations proposed by the State regarding the education of children with disabilities.

CFR 300.169(b)

## **Example:**

The federal law is reauthorized and the State makes revisions to their regulations



# Advisory Panel Function

3

Advise the State in developing evaluations and reporting on **data** to the Secretary under Section 618 of the Act.

CFR 300.169(c)

## Examples

- The SEA is reviewing and refining APR improvement strategies
- Upon completion of a State and school district data analysis, it was concluded that students with disabilities had lower graduation rates than students without disabilities.



# Advisory Panel Function

4

Advise the State in developing **corrective action plans** to address findings identified in federal monitoring reports under Part B of the Act.

CFR 300.169(d)

## Example

The State has just experienced an OSEP visit and was found to be in noncompliance on various fiscal issues...



# Advisory Panel Function

5

Advise the State in developing and implementing policies relating to the **coordination of services** for children with disabilities.

CFR 300.169(e)

## Examples:

- a) The SEA is proposing a new MOU with the Department of Corrections
- b) The SEA is revising its MOU with the Department of Health



# Advisory Panel Function

## 6

The SEA, after deleting personally identifiable information must

- Provide the Advisory Council with the **DPH findings and decisions** and
- Make those findings and decisions available to the public.  
***CFR 300.513(d) & 300.514(c)***

## Examples

- a) DPH decisions identify consistent issues.
- b) The SEA has experienced a spike in DPHs



# Advisory Panel Function

7

Waiver of **nonsupplant requirement**. State must consult with the Advisory Council regarding provisions of FAPE.

CFR 300.164(c)(4)

\*Rarely an issue



# Advisory Panel Function

## 8

### Determining Disproportionality

States retain discretion to determine the risk ratio threshold above which disproportionality is significant, so long as that threshold is reasonable and based on advice from their stakeholders, including their State Advisory Councils.



# Section III

# How You Can Do It



# Part Eight

## Advisory Panel

- By-Laws
- Meeting Procedures

**KNOW THE  
RULES!**





# Suggested By-Laws Content

- Name
- Open Meeting Requirements
- Membership
- Tenure of Members
- Resignation of Members
- Agenda Building
- Roles & Responsibilities
- Compensation and Expenses
- Confidentiality Statement
- Officers
- Meeting Procedures
- Duties/Purpose
- Annual Report
- Quorum Definition
- Subcommittees
- Voting Procedures

## **Good practice:**

Review and revise by-laws each year with Panel members



# Open Meeting Laws

- Adhere to State Open Meeting laws
- Announce meetings and agenda items in advance
- Meetings must be open to the public





# Open Meeting Law - Why?

- Protect and inform the public
- Maintain integrity of government
- Build trust between government and citizens
- Establish consistent procedures for all public meetings





# Guests

Separate seating section for guests and  
non-panel members





# Good Meeting Procedures





# Effective Meetings



**"And should there be a sudden loss of consciousness during this meeting, oxygen masks will drop from the ceiling."**



# Agendas

- Collaborative agenda development
- Send agenda to members in advance of meeting
- Include the Panel functions on the agenda
- Hold virtual planning meetings, as appropriate

Agenda

- 1.
- 2.
- 3.





# Possible Agenda Content

- Review of Agenda
- Review of Minutes
- Old Business
- New Business
- Public Comments
- State Performance Plan
- Committee Reports
- Levels of Determination Update
- Report from the Director
- Report on Priority Issues
- Public Input
- Advice/Recommendations

**Good idea:**

**include Panel Functions on the back of the agenda**



# Materials and Handouts



Send Panel Members:

- ✓ Agenda
- ✓ Handouts
- ✓ Last meeting minutes



# Consensus Is...

Consensus is finding an acceptable proposal that all members can support

Members might not get everything they want, but enough to publicly support the effort





# Consensus is Not...

- A unanimous vote
- A majority vote
- A vote of any kind
- 100% satisfaction





# Confidentiality - FERPA

Avoid names of

- Individual students
- Parents
- Staff members

**Be Confidential,  
especially with Names**

Good idea:

Annual in-service on privacy and confidentiality



# Compensation

The Advisory Panel shall serve without compensation, but the State must reimburse the Panel for reasonable and necessary expenses for attending meetings and performing duties.



# Virtual Participation

Conference Calls

Video conferencing





# Virtual Participation

- Chairperson — Acknowledge and introduce those who are attending virtually
- Use video if possible
- Check in after each main discussion
- Address virtual participation in by-laws





# Interpreters



If needed, interpreters and other necessary services must be provided at Council meetings for Panel members or participants. The State should pay for these services.



# Public Input

- Guest seating area
- Sign-in sheet
- Written or verbal options available
- Website
- Make “public comment” a standing agenda item
- Set ground rules for public input
- Offer a toll-free phone number



# Public Input Written Form

Name \_\_\_\_\_ Position \_\_\_\_\_

Issues to discuss:

Facts/data:

Suggestions to improve:

Positive items:



# Public Input Best Practice

- Provide notice to the public in advance of the Panel meeting
- Specify a consistent time on the agenda for public comment
- Set aside around 5-10 minutes on the agenda for public comments
- Public comment can be verbal or sent in written form to be read by the Panel chairperson



# Public Input – Best Practice

- Limit public comment to no more than 2 to 3 minutes per individual
- Ask individuals to:
  - be factual and objective
  - avoid using names of students or school staff
  - maintain confidentiality and privacy standards
- Assure that input will be taken under advisement





# Minutes

Official minutes must be kept on all Panel meetings and must be made available on request.



\* Post on website



# Minutes – Best Practice

- Keep minutes brief and to the point
- Include all motions
- Include section for “advice”
- Send prior meeting’s minutes in advance of the upcoming meeting
- Follow-up on next steps or action items



# Part Nine

## Panel Priorities





# Annual Priority Setting

- Annual plan
- Limited number of issues





# Which Annual Priorities?

- Study current and emerging critical issues impacting services for children with disabilities
- Look beyond the State to regional and national trends
- Ask for input from other SEA/Panel members
- Examine data from:
  - Dispute resolution
  - Monitoring
  - Levels of determination
  - Submitted data
  - SSIP
  - SPP/APR
- Focus on 3-4 annual priorities.

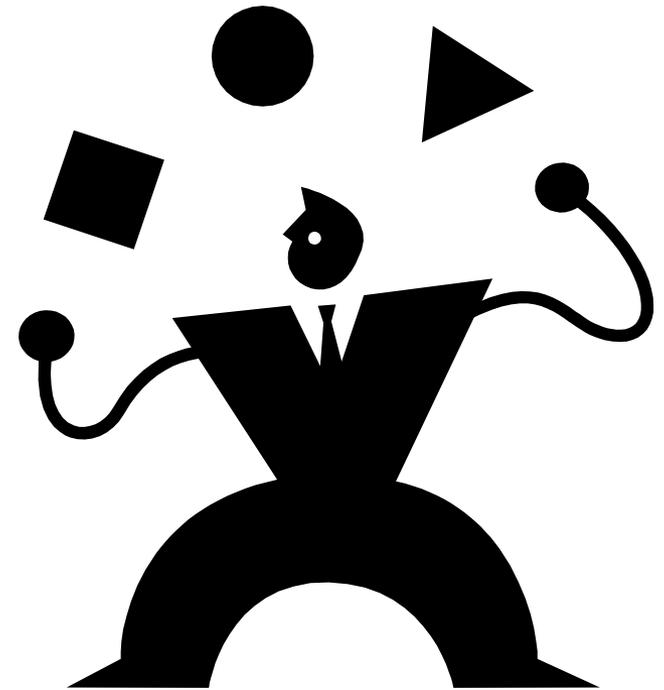




# Setting Priorities

Avoid the temptation of taking on too many tasks

Focus on a few items that will make the greater difference





# Part Eleven

## Annual Report





# Activities & Advice to SEA

**Not in regulation, but in best practice**

The Advisory Panel submits an annual report of Panel activities and advice to the State.

**YEAR IN REVIEW**

Addressed in by-laws  
**Usually July 1**



# Annual Report

**Annual reports  
should be  
meaningful and  
useful**





# Annual Report

Written by

- Panel or
- Panel and SEA.

**Disseminate and  
post on website**





# Annual Report Issues

- Annually
- Reflects **advice** on priority issues
- Advice based on data, sound information, and consensus
- Role with SPP/APR, Levels, and SSIP
- Assign one or two individuals the task of writing the report
- User-friendly and short
- Disseminate hard copy and on the web
- Review at first meeting of new year





# Annual Report – Suggested Content

Panel Name/Purpose and Functions

Schedule of Meetings

Message from Chairperson

Priorities Addressed

Resources/Data/Information Used

Involvement with SPP/SSIP/APR

**Advice/Guidance to State**

List of Panel Membership

Anticipated Membership Vacancies for Next Year

Emerging Issues for Next Year



# Annual Report – Collaboration



**Consider a joint annual report  
with the ICC**



# Part Ten

## The Federal Perspective

Emerging Issues

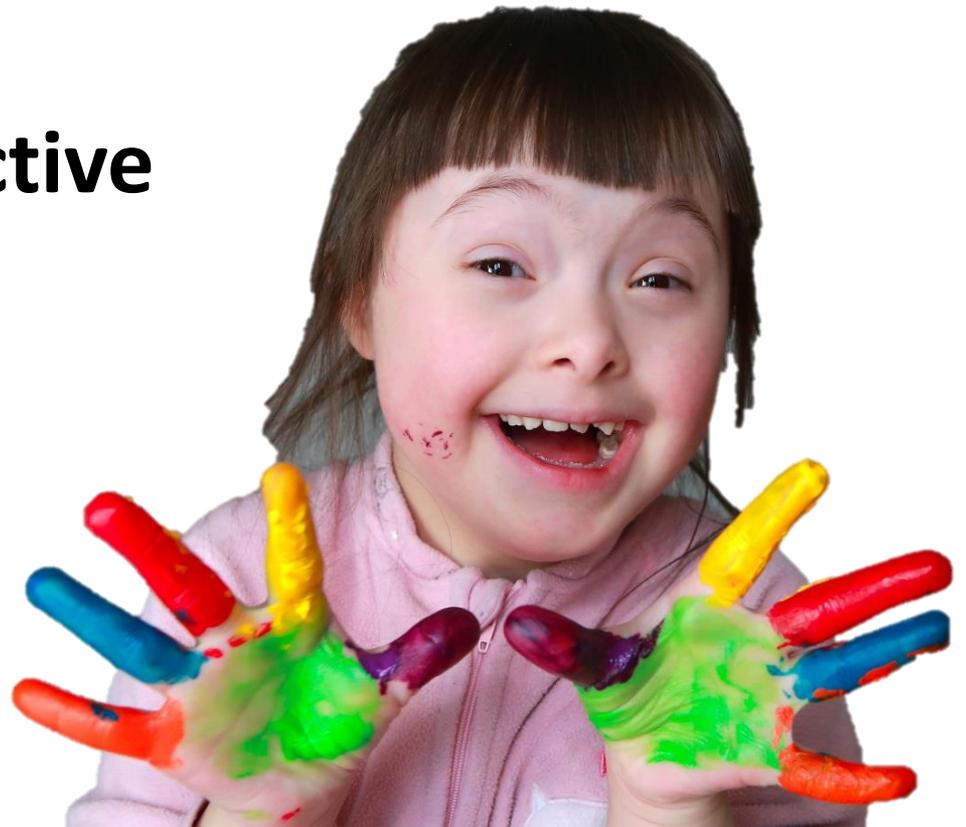
Reauthorization

General Supervision

Accountability

SPP/APR/SSIP/SiMR

RDA





# Emerging Issues

- **Dispute Resolution**
- **Youth in Custody**
- **Mental Health**
- **FAPE – defined**
- **Recruitment/Retention**
- **Differentiated Monitoring**
- **Disproportionality/risk ratios**





# Reauthorization of IDEA

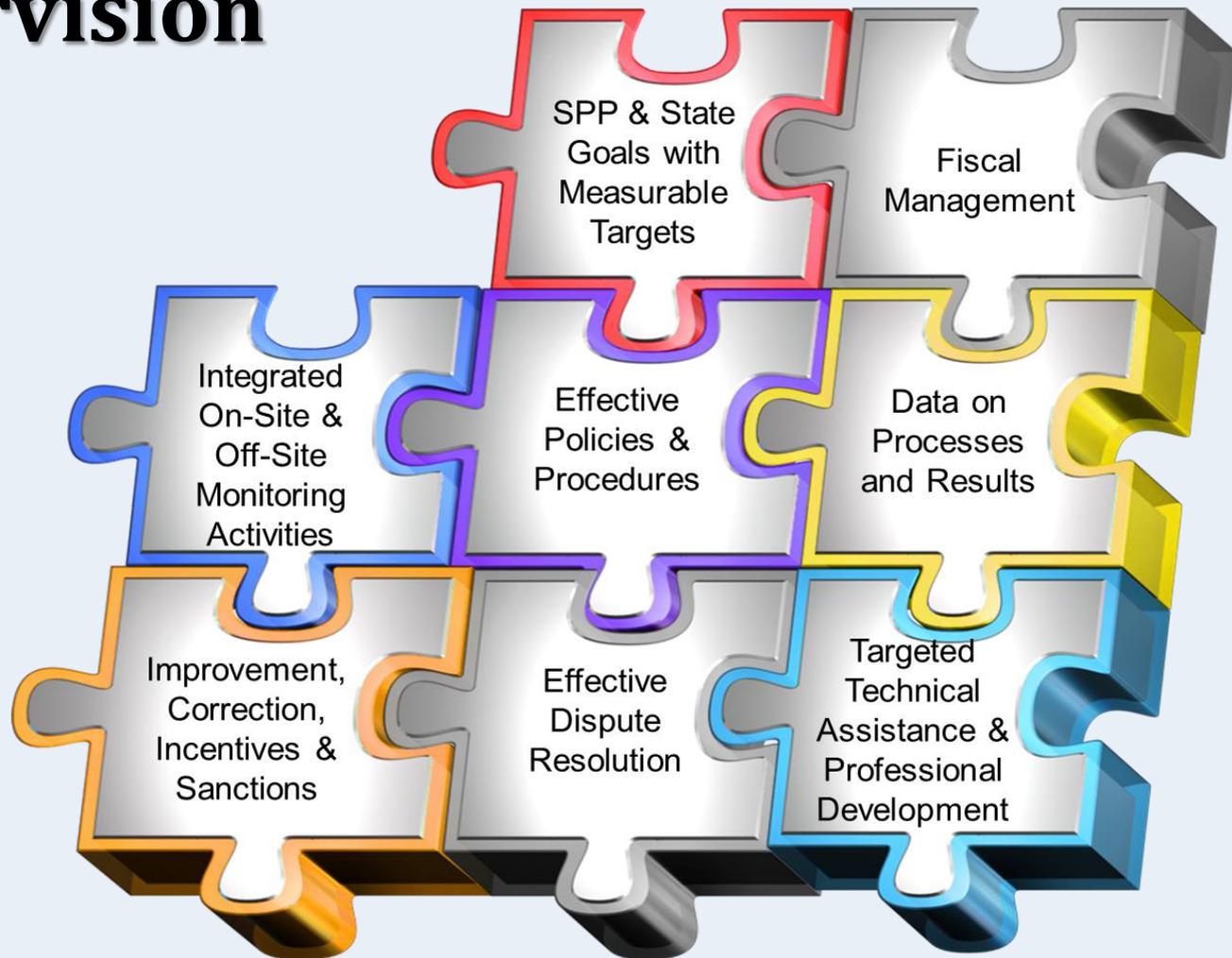
Panel has the opportunity to submit a written statement regarding the reauthorization or other emergent issue

What is working

Suggested changes to improve IDEA



# Components of General Supervision





# State Performance Plan and Annual Performance Report

SPP is a long range plan for SEA

Annual Review of SPP

February of each year

High stakes

Relates to SEA level of determination



# Levels of Determination

## 300.603(b)(i-iv)



Meets Requirements



Needs Assistance



Needs Intervention



Needs Substantial Intervention

**Know and understand your State Level of Determination**

**Understand how the results indicators factor into your State's determination**



# Part Eleven

## Partnering with Part C/619 (0-2)

## Infants and Toddlers





# Part C / Section 619/Part B

Part C (Birth to 2 years)



Interagency  
Coordinating  
Council (ICC)

Establish a membership link between the...  
**ICC and Panel**

Section 619  
(3–5 years/Preschool)



Part B (School-age Children)

State Special  
Education  
Advisory Panel



# Partnership



**Part C + Section 619 + Part B**



# Collaboration : Part C/Section 619/Part B

## Good Practice:

- Try to meet together annually
- Partner on common SPP indicators
- Early childhood section of Annual Report
- Section 619 coordinator - a bridge





# Part Twelve

## Hot Topics in Special Education that could Impact Advisory Councils





# Hot Topics

1. Provision of Services during Pandemic



2. Mental Health



3. Leadership in Special Education



4. Vouchers, Private & Charter Schools



5. Dyslexia



# Hot Topics

6. Recruitment and Retention of Qualified Staff



7. Implementation Science



8. IDEA Reauthorization



9. Drug/Substance Addiction



10. Youth in Custody



# Part Thirteen

## Summary and Conclusion





# Advisory Panel Effective Practices

Close working relationship with the  
State Director

Membership orientation

Advisory, not advocacy in nature

Meaningful work

Annual meeting to set priorities

Priorities determined by Data (SPP/APR/SSIP, etc).

Ongoing communication between SEA, Panel, and  
Executive Committee



# Advisory Panel Effective Practices

Part C connection

Support SEA's improvement efforts

Established by-laws for Panel operation

Dedicated SEA support staff

Meetings four to six times per year

Collaborative agenda building

In-service regarding confidentiality

Awareness brochure

User-friendly annual report

Focus on the results indicators



# Important Priorities for Panel Members

- Read the by-laws/Operating Procedures
- Attend the meetings
- Do your homework prior to the Panel meeting
- Represent your stakeholder group
- Actively participate
- Work as a part of a team





# National SEAP/ICC Website

<https://collab.osepideastthatwork.org/sap-sicc//>

Access to State SEAP/SEAC and ICC websites

Panel/ICC Information/Resources

Announcements

National SEA/SEAP Quarterly Webinars

Next Webinar is – Check Website!





# Teamwork



If you want to go fast, go alone. If you want to go far, go together.

African proverb



# One Person Can Make a Difference



Your ideas will make a difference!



# Questions or Comments?





**Keep the main thing  
the main thing!**

# Thank You!



Technical Assistance for Excellence in Special Education

**UtahState**University

CENTER FOR PERSONS WITH DISABILITIES

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